

EXHIBIT 5

CUSTOMER CLAIM

Bernard L. Madoff Investment Securities LLC
Case No 08-01789-BRL
U.S. Bankruptcy Court for the Southern District of New York
Claim Number: **007975**

Date received _____

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

RECEIVED

MAR 19 2009

DECEMBER 11, 2008

Irving H. Picard, Esq.
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

Provide your office and home telephone no.

OFFICE: **Redacted**

HOME: _____

Taxpayer I.D. Number (Social Security No.)



Account Number: 1S0224

DONALD SCHUPAK

Redacted

(If incorrect, please change)

NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.

1. Claim for money balances as of **December 11, 2008**:
- a. The Broker owes me a Credit (Cr.) Balance of \$ _____
- b. I owe the Broker a Debit (Dr.) Balance of \$ _____

- c. If you wish to repay the Debit Balance,
please insert the amount you wish to repay and
attach a check payable to "Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC."

If you wish to make a payment, **it must be enclosed**
with this claim form. \$ _____

- d. If balance is zero, insert "None." _____

2. Claim for securities as of **December 11, 2008**:

PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.

- | | YES | NO |
|---|-----|----|
| a. The Broker owes me securities | ✓ | |
| b. I owe the Broker securities | | |
| c. If yes to either, please list below: | | |

| | | Number of Shares or Face Amount of Bonds | |
|--|---|---|--------------------------------|
| Date of Transaction (trade date) | Name of Security | The Broker Owes Me (Long) | I Owe the Broker (Short) |
| | <u>See November 30, 2008 statement</u> | | |
| | <u>Acct. balance is \$9,176,735</u> | | |
| | <u>Net equity in account is \$2,037,791</u> | | |

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or

information regarding any withdrawals you have ever made or payments received from the Debtor.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.

NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.

| | <u>YES</u> | <u>NO</u> |
|---|-------------|-------------|
| 3. Has there been any change in your account since December 11, 2008? If so, please explain. | _____ | _____✓_____ |
| 4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker? | _____ | _____✓_____ |
| 5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker? | _____ | _____✓_____ |
| 6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s) | _____ | _____✓_____ |
| 7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming. | _____ | _____✓_____ |
| 8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers. | _____✓_____ | _____ |

Bernard Madoff


9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker. _____ ✓

Please list the full name and address of anyone assisting you in the preparation of this claim form: _____

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.

THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.

Date 3/10/09 Signature ( Donald Schupak)
Date _____ Signature _____

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:

Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

DONALD SCHUPAK

March 6, 2009

Irving H. Picard, Esq.
Trustee for Bernard Madoff Investment Securities
Claims Processing Center
2100 McKinney Avenue, Suite 800
Dallas, TX 75201

Dear Mr. Picard:

Re: SIPC Claim – Madoff
Account #: 1-S0224-3-0

I maintained this account for myself and for the benefit of some family members, two employees and a partner. I received no compensation or expense reimbursement for accommodating any of the participants. Prior to including any of said participants in my account, I inquired of Frank DiPascale of Madoff as to the availability of individual accounts for these people I was told that the account balances would be “too small for Bernie to consider”. He suggested that I simply include these people within my account which I have done. My office keeps a monthly running balance of investments and withdrawals for each of these named people each of whom has been individually responsible for taxes on income that was reported by Madoff.

As you can see from the statements I have enclosed the total net equity in the account is \$2,037,791 and the aggregate of claims from all participants is \$2,208,243. Each claim total represents the net equity after deducting withdrawals from deposits. In addition to the enclosed claimants, 3 participants had a net gain totaling \$170,452: Participant 1, a 90 year old widow had a net gain of \$10,400, all of which was withdrawn to cover living expenses in 2005; Participant 2, had a net gain of \$49,000 withdrawn between 2000 and 2008 to pay for medical expenses relating to birth defects of her newborn and to make a downpayment on a house; Participant 3 withdrew his entire account to by an apartment; the account had a net gain of \$111,052 accumulated over 8 years.

In your presentation on February 20th to creditors you indicated that it was your belief that “subaccounts” such as those referred to in this letter would not be entitled to individual recovery from SIPC based upon your interpretation of the relevant statute. However, we believe when DiPascale advised us to have these participants invest with Madoff through my account, in effect they created “an account” albeit through the conduit of my account, and, therefore, their claims should be honored. We believe these circumstances differ from the investors in the so called “feeder funds” who were relying on the judgment and diligence of the compensated fund managers in the first instance and not investing in effect directly into Madoff with no intervening manager.

Redacted

MWPTAP00424039

Page Two.

You also indicated that the interpretation of the statute was the subject of current litigation and suggested that each participant file their own claim so that if it were determined that each had a right to recovery based upon these circumstances they would not be foreclosed for failing to have filed a timely claim.

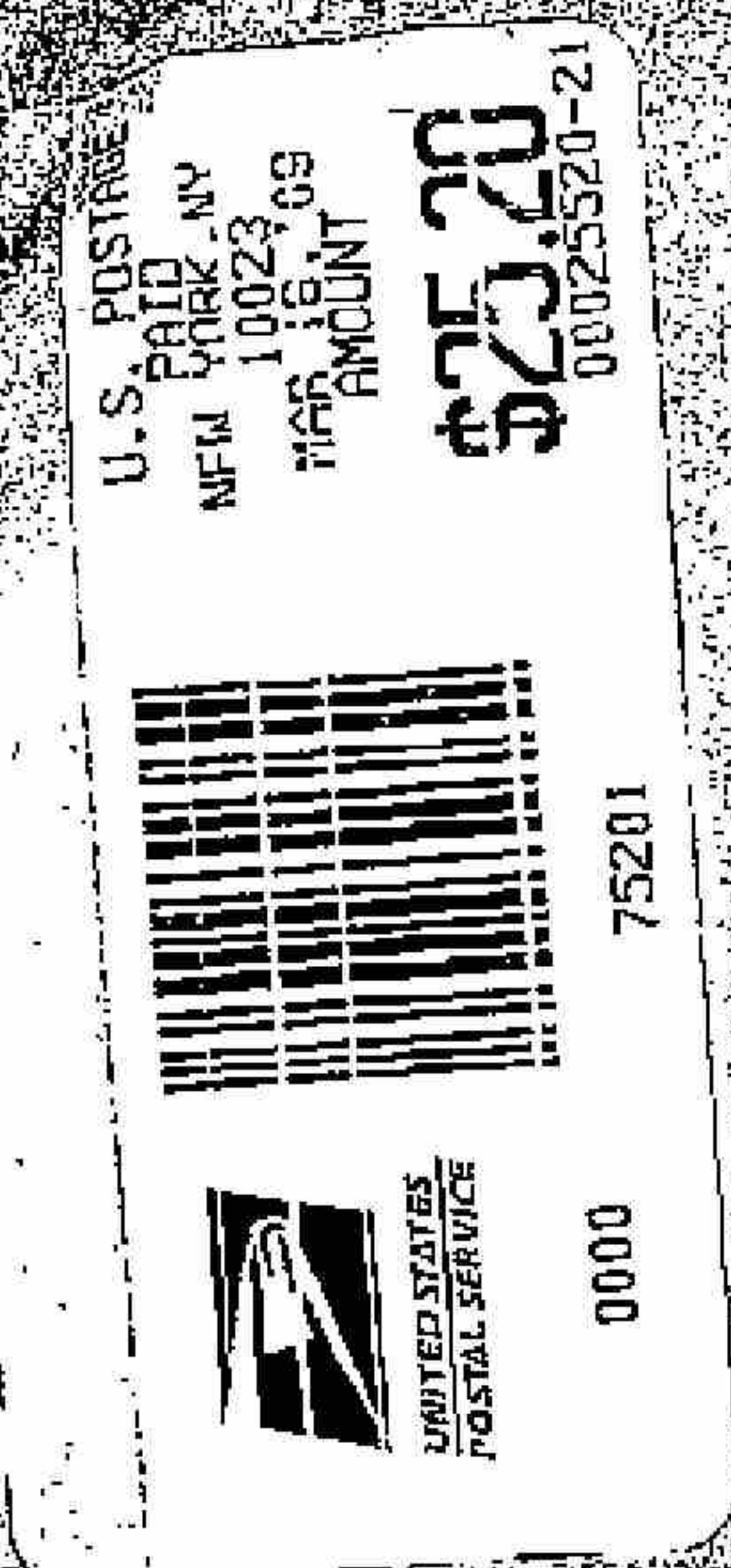
For both reasons stated above, I have included with the filing for the account in my name claim forms for each of the named persons each reflecting the amount of their net equity in the account determined on the basis of cash in and cash out. If you determine, as we have suggested you should for the reasons above stated or based upon results of the above referenced litigation, it is deemed that each of these persons is entitled to recovery from SIPC, we can provide you with support for the stated net equity in each of their claim forms based upon the books and records that we have maintained since the inception of this account.

Since the net equity in the account is \$2,037,791 I look forward to receipt of the maximum recovery of \$500,000 which I will distribute pro rata to all participants. I would urge you to make this distribution as promptly as possible as most of the participants are in dire need of the funds. They include a 94 year old woman living in an assisted living facility with no other funds; an unemployed legally blind relative; and a relative who recently lost her job. Having suffered a substantial loss personally and having substantial responsibilities, I would appreciate receiving payment of my claim as soon as possible.

Sincerely yours,



Donald Schupak



SCHUPAK GROUP, INC.



Redacted

TO: Irving H. Picard, Esq.
Trustee for Bernard L. Madoff
Investment Securities LLC
Claim Processing Center
200 McKinney Ave. Suite 800
Dallas, TX 75201



PRIORITY MAIL

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Label 107R, January 2008

Claims of subaccount investors filed in the event that subaccount investment amounts are deemed to be customer accounts per Donald Schupak letter of March 6, 2009 or as determined by court decision or congressional action.

SCHUPAK GROUP, INC.

Redacted

TO:

MWPTAP00424043

| | |
|------------------------------------|------------------|
| 1996 | |
| MADOFF ACCOUNT | |
| 29-Mar-96 Opening Deposit | \$1,100,000 |
| Additional 1996 Deposits | 625,000 |
| 1996 Withdrawals | -70000 |
| STATEMENT BALANCE @12/31/96 | 1,864,101 |

1. **Age of animal:** Must be less than 12 months prior to date of Auction. Male
 2. **Weight:** Must be at least 100 lbs. at date of Auction. Male
 3. **Color:** Must be solid black or solid white. No markings of any kind.
 4. **Registration:** Must be registered with the American Quarter Horse Association.
 5. **Condition:** Must be in good health and condition. No visible injuries or
 6. **Ownership:** Must be owned by a resident of the State of Texas.
 7. **Transfer:** Must be transferred to the State of Texas prior to the date of Auction.
 8. **Documentation:** Must have all necessary documentation, including a bill of sale, a
 9. **Insurance:** Must have a current liability insurance policy.
 10. **Other:** Any other requirements as may be determined by the Commission.

| | | |
|-----------------------------|------|------------------|
| | 1997 | |
| MADOFF ACCOUNT | | |
| STATEMENT BALANCE @ 1/1/97 | | \$1,864,101 |
| 1997 Deposits | | 405,000 |
| 1997 Withdrawals | | -860,000 |
| STATEMENT BALANCE @12/31/97 | | 1,760,767 |

[illegible]

| 1998 | | 12001 |
|-----------------------------|--|-------------|
| MADOFF ACCOUNT | | |
| | | |
| STATEMENT BALANCE @ 1/1/98 | | \$1,760,767 |
| | | |
| 1998 Deposits | | 80,000 |
| | | |
| 1998 Withdrawals | | -140,000 |
| | | |
| STATEMENT BALANCE @12/31/98 | | 2,039,686 |

| 2000 | |
|-----------------------------|-------------|
| MADOFF ACCOUNT | |
| STATEMENT BALANCE @ 1/1/00 | \$2,158,373 |
| 2000 Deposits | 178,710 |
| 2000 Withdrawals | -145,000 |
| STATEMENT BALANCE @12/31/00 | 2,495,056 |

| 2001 | 2000 |
|-----------------------------|-------------|
| MADOFF ACCOUNT | |
| | |
| STATEMENT BALANCE @ 1/1/01 | \$2,495,056 |
| | |
| 2001 Deposits | 360,000 |
| | |
| 2001 Withdrawals | -340,000 |
| | |
| | |
| STATEMENT BALANCE @12/31/01 | 2,866,083 |